

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1750 OF 2004
IN
EXECUTION APPLICATION NO. 22 OF 2004
IN
KOLHAPUR SPECIAL CIVIL SUIT NO. 203 OF 2000

Kulkarni Power Tools Ltd.... .. Plaintiffs.

Versus

Artson Engineering Ltd..... ..Defendants.

Ms. Swapnila Rane for the Applicants.

Mr. Rajesh More for the Plaintiffs.

CORAM : A. M. KHANWILKAR, J.

DATED : JULY 26, 2005.

P.C.:

Heard learned Counsel for the parties.

2. As it is not in dispute that the Applicant Company is before BIFR and Reference has been registered on 12th January, 2004 bearing Case No. 152 of 2004 and the same is still pending consideration of the Board, no execution proceeding can proceed against the

property of the Company. Accordingly, the Chamber Summons is made absolute in terms of prayer clause (a). No order as to costs.

3. It is made clear that it will be open to the Plaintiffs to apply for appropriate relief after the Respondent Company is out of BIFR. All questions on merits of the matter are kept open.

4. Applicant undertakes to inform the Plaintiff about the status of BIFR proceedings regularly at least once in six months till the said proceedings are finally concluded one way or the other.

Sd/-

(A. M. KHANWILKAR, J.)